

**NOTES BELOW REPRESENT NOTES
AFTER SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER
DOCUMENTS WILL BE REVIEWED PRIOR
TO HEARING**

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RC RS00161

CASE NAME: CONSERVATORSHIP OF EDWARD L LYND

HEARING:

Accounting Review

COUNSEL:

BEVERLY A RODRIQUEZ (PET)...PRO/PER

EDWARD L LYND (CON)...

GENERAL INFORMATION: Accounting is due for the period 9/6/02 – 9/30/04

This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Ex Parte Petition to Dispense with Accounting filed 11/24/04 which appears procedurally correct. Order needs to be signed.

RECOMMENDATION:

Matter may go off calendar

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RC RS00407

CASE NAME: LUPE R MENDOZA

HEARING:
Accounting Review

	COUNSEL:
SAMUEL MENDOZA	(PET)...CURTIS R AIJALA
LUPE R MENDOZA	(PCE)...EUCLID LAW CENTRE
JULIA Y HERRERA	(OBJ)...PRO/PER

GENERAL INFORMATION: On 8/3/04, the court granted the petition for conservatorship. The court ordered the inventory and appraisal filed by 9/4/04. However, on 9/14/04 and on 12/28/04, the court extended the time to file the inventory and appraisal to 2/22/05. The date of the accounting review was not changed. Therefore, the accounting review is on calendar before the inventory and appraisal is due.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. The Inventory and Appraisal has not been filed (review hearing on calendar for 2/22/05)
2. The accounting has not been filed.

RECOMMENDATION:

Suggest the court continue the accounting review to a date after 2/22/05.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RC RS00411

CASE NAME: EFRAIN CORDEZ DOMINGUEZ

HEARING:
SECOND ACCT CURRENT & REPORT

COUNSEL:
LAWRENCE A DEAN II (PET)...SHERRI L KASTILAHN
EFRAIN CORDEZ DOMINGUEZ (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 2nd Account
Accounting period: 10/1/03 – 9/30/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Petitioner requests compensation of \$5,750.65. Billed at various rates not exceeding \$85/hour (average hourly rate: \$46/hour) for various services for 125 hours. Itemized. The following concerns are raised re: billing:
 - (a) The following inter-disciplinary team meetings are held on a Saturday or Sunday: 10/19/03, 6/19/04 and 9/19/04 each lasting .5 hour. Is it a normal practice to conduct business meetings on the weekends? File verified supplement.
 - (b) In 2/04, the time for financial services increases from 1.8 hour to 2.3 hours. However, it appears the check writing decreases in the months after 2/04. What is the need for the increase financial services entry? File verified supplement.
2. Attorney requests fees of \$1,570.00. Billed at \$200/hour for 7.85 hours. Itemized. JTD
3. Petitioner has caregiver services at \$200.00 per month during the accounting period. However, conservatee is residing at a board and care facility. It is noted that the caregiver takes the conservatee to doctor

appointments, but does board and care provide this service? Is this a necessary expense? File verified supplement.

4. Community Bank checking account listed on the property on hand does not match the balance on the 9/30/04 bank statement. File verified supplement with reconciliation.
5. Bond is currently fixed at \$110,000. However, with property remaining on hand at \$67,822.00 and annual income (approximately \$25,000), Bond could be reduced to \$95,000.

RECOMMENDATION:

Need notice, verified supplement re: notes 1, 3 & 4 and court's determination of bond.

If petition granted court will have to set future dates. Set hearing for the next account for 12-5-06, to cover the period of 10-1-04 through 9-30-06. Accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RC RS00515

CASE NAME: DARRYL SCOTT DUCKETT

HEARING:
Petition for Appointment of Conservator

COUNSEL:
LAURA MARX (PET)...LYNNE HAYES
DARRYL SCOTT DUCKETT (PCE)...CHARLES S ALTHOUSE

GENERAL INFORMATION

This case is set for hearing on Petition for Limited Conservatorship, person only, by sister, proposed conservatee has Down 's syndrome

Continued from 12/21/04 at request of petitioner, via telephonic message.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Seeking medical powers. Medical declaration filed supporting request.
2. Notice has been given to Inland Regional Center. IRC report is filed.
3. Court Investigator's report filed. Court may wish to review report.
4. Court must appoint counsel for the proposed conservatee in a limited conservatorship. Charles Althouse representing Conservatee.
5. Court needs to comply with PC 1828.5 at hearing regarding findings to be made.

RECOMMENDATION:
None

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RC RS00523

CASE NAME: PETRUNKA JAMES STROUD

HEARING:

Petition for Appointment of Conservator

COUNSEL:

JAMES E STROUD (PET)...DONNASUE SMITH-ORTIZ
JANICE J STROUD (PET)...DONNASUE SMITH-ORTIZ
PETRUNKA JAMES STROUD (MIN)...

GENERAL INFORMATION At hearing on 12/28/04, Court ordered Temporary letters effective 1/29/05, proposed conservatee's 18th birthday. Proposed conservatee currently resides at a facility in Utah. Petitioners allege the proposed conservatee will return to California when her schooling is completed.

THIS CASE IS SET FOR hearing on Petition for Appointment of Conservator, person only, by parents

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Petitioners seek medical powers. Medical declaration filed supporting requests.
2. Petitioners allege proposed conservatee is developmentally disabled, but Attachment 5e is not attached to the petition re: nature & degree of disability. File verified supplement with Attachment 5e.
3. Need to file Notice of Hearing and proof of service to persons listed on Attachment 12a, Inland Regional Center and Court Investigator.
4. As Conservatee is developmentally disabled court has discretion to request an Inland Regional Center report.
5. Court has discretion to appoint counsel for proposed conservatee (PC 1470)

RECOMMENDATION:

None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS00813

CASE NAME: BRITTNEY GUERIN

RELATED MATTER #9

HEARING:
Petition for Termination of Guardianship

	COUNSEL:
COLLEEN ANNABLE	(PET)...PRO/PER
BRITTNEY GUERIN	(MIN)...
NANCY DAVIS	(PET)...PRO/PER
MAE DAVIS	(MOT)...PRO/PER
DANIEL W GUERIN	(PRO/PER)...PRO/PER

GENERAL INFORMATION: Continued from 12/21/04. Court refers matter to Family Court Services and to Court Investigator for investigation and report.

THIS CASE IS SET FOR HEARING ON Petition for Termination, filed by father, minor 11 Paternal grandmother has been guardian since January 2000

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Father alleges that now that he is no longer incarcerated, he can take care of his daughter. He alleges that guardian has improperly moved the minor out of state (to Ohio).
2. Filed proof of mailed service on guardian, who is out of state. OK. There is no requirement of personal service for termination petitions.
3. Need to file proof of service on mother and other grandparents.
4. Court needs to resolve issue of whether the guardianship should be terminated in this state or whether guardian needs to return to California with the minor. If the minor and guardian are permitted to live in Ohio, then guardianship proceedings in Ohio will need to be initiated.

5. Need Court Investigator's report.

RECOMMENDATION:

Need Court Investigator's report. If guardian does not appear, court needs to issue citation and have it served (mailed certified with return receipt) for OSC re: Violation of Guardianship Powers to Move Minor Out of California.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01432

CASE NAME: JEANETTE WALLACE AND ASIA HARRIS

HEARING:

Motion re: TO BE RELIEVED AS COUNSEL filed by Petitioner MABEL
REDDICK

COUNSEL:

MABEL REDDICK	(PET)...	CHARLES L SMITH
JEANETTE WALLACE	(MIN)...	
ASIA HARRIS	(MIN)...	
SIDNEY WALLACE	(OBJ)...	PRO/PER
COURT INVESTIGATOR	(PRO/PER)...PRO/PER

GENERAL INFORMATION

Temporary orders for guardianship issued 10/29/04. The hearing on the permanent guardianship is currently set for hearing on 3/8/05.

THIS CASE IS SET FOR HEARING ON Motion to be Relieved as Counsel filed by Attorney Charles Smith for petitioner Mabel Reddick

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Petition appears procedurally complete.

RECOMMENDATION:

Court's discretion.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01583

CASE NAME: ANGEL LOMELI & DESTENIE CASAS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

JOSE LUIS RODRIGUEZ (PET)...PRO/PER

ELVIRA RODRIGUEZ (PG)...PRO/PER

ANGEL DAVIO LOMELI (MIN)...

DESTENIE MARIE CASAS (MIN)...

GENERAL INFORMATION: Temporary letters issued November 12, 2004.

Continued from 12/28/04. Court finds no additional notice to paternal grandparents (Fernando & Anna Casas) of Destenie is required. Grandparents are to meet and discuss conditions of visitation. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minors 5 and 1

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Maternal grandmother needs to complete Guardianship Questionnaire.
2. Need to file proof of personal service on mother, father (1) (Miguel Lomeli) and father (2) (Fernando Casa, Jr.).
3. Need to file proof of mailed service to Court Investigator and paternal grandparents (1) (Jesus and Reyna Lomeli)
4. Court may wish to inquire as to status of visitation arrangements of grandparents.

RECOMMENDATION:

Need notice.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01601

RELATED MATTER #6

CASE NAME: BRITTANY GUERIN

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
KELLIE GUERIN	(PET)...PRO/PER
BRITTANY GUERIN	(MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by paternal aunt, minor 11

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need proof of personal service on mother and present guardian (Colleen Annable) Current guardian only served by mail, insufficient.
2. Father has signed Nomination but has not signed consent and waiver of notice. Need to file proof of personal service on father.
3. Need proof of mailed service to Court Investigator, grandparent (Nancy Davis) and uncle (Mike Fales)
4. Court referred related matter to Court Investigator for investigation and report. Court may wish to review report in association with this petitioner's request for guardianship.

RECOMMENDATION:
Need notice.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01603

CASE NAME: REANNA MORALES

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
ENEDINA P OCHOA	(PET)...PRO/PER
REANNA MORALES	(MIN)...

GENERAL INFORMATION: Temporary letters issued 1-12-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 13.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on parents and minor.
2. File notice of hearing and proof of mailed service paternal grandmother and Court Investigator.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/08/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01604

CASE NAME: VIRGINIA CORONADO

HEARING:
Petition for Appointment of Guardian

COUNSEL:
ENEDINA P OCHOA (PET)...PRO/PER
VIRGINIA CORONADO (MIN)...

GENERAL INFORMATION: Temporary letters issued 1 -12-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on parents.
2. File notice of hearing and proof of mailed service on maternal grandfather, paternal grandparents and Court Investigator.

RECOMMENDATION:
None.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00010

CASE NAME: ALICE SYLVIA GARCIA

HEARING:

Hearing re Final Discharge

COUNSEL:

RAMONA R GUTIERREZ (PET)...DONNASUE SMITH-ORTIZ

BRENDA DAVIS (PET)...DONNASUE SMITH-ORTIZ

ALICE SYLVIA GARCIA (PCE)...

GENERAL INFORMATION: The Order for Final Distribution was filed 7/20/04.

THIS CASE IS SET FOR HEARING re: Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Still need receipts from the co-conservators.

RECOMMENDATION:

Require conservators to file receipts.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00334

CASE NAME: JANTINA BLANKEN

HEARING:
SECOND ACCT CURRENT & REPORT

COUNSEL:
CORNELIUS BLANKEN (PET)...RICHARD G ANDERSON
JANTINA BLANKEN (PCE)...

GENERAL INFORMATION Continued from 12/21/04 to clear calendar notes. Notice filed (note 2) other notes remain outstanding.

THIS CASE IS SET FOR HEARING ON 2nd Account
Accounting period: 6/10/02 – 6/6/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file proof of service as to conservatee. **Notice filed. OK**
2. Conservator is not requesting fees.
3. Attorney requesting fees of \$400
4. Conservator needs to file verified supplement explaining the checks written to himself. He paid himself \$5000 on 6-12-02 and \$5000 on 7-8-02 and \$1500 on 2-27-03. The receipts show that conservator paid to the estate \$7570. Petitioner indicate that all money has now been repaid. Court should admonish the Conservator that loans cannot be made to him without court approval.
5. Conservator is sending flowers. Please file verified supplement to explain. **Petitioner alleges that a relative died in the Netherlands and flowers were sent on behalf of the Conservatee.**
6. Conservator is charging the estate for travel expenses. Normally, that would be considered overhead, but the conservator is not requesting fees. Petitioner alleges that due to the small size of the estate and the fact that the

estate is paying the Conservator's travel expenses he is not charging fees.
JTD

7. Conservator invested \$100,000 in Homestead NW Dev Co. A promissory note is attached to the accounting. The due date is 2-24-05. There is no information provided regarding this investment and the Court needs to know whether this action violates the prudent investor rule. File verified supplement regarding this investment. Court may wish to set an O.S.C. regarding repayment of promissory note. **Petitioner alleges that this investment was made as it returns 8% interest and is secure. It is renewable each year. Petitioner alleges that this investment returns \$666.67 each month and that they would like to keep the investment. Judge to decide.**

RECOMMENDATION:

Need to clear notes

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00364

CASE NAME: EVELINE CATHERINE BRANDT CADDY

HEARING:
Petition for ORDER CONFIRMING CHANGES TO CONSERVATEE'S ESTATE
PLAN

COUNSEL:
ROBERT DOUGLAS JAMES (PET)...JONES MAHONEY BRAYTON & SOLL
EVELINE CATHERINE BR CADDY (PCE)...MAUREEN MURATORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Order Confirming Changes to
Conservatee's Estate Plan filed by counsel for conservatee (Maureen Muratore)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. File notice of hearing and proof of service on Conservatee.
2. Counsel alleges that in conservatee's former estate plan bequests were made to her caretaker, Michael George Alcantara, as well as her caretaker being named successor trustee of her Trust, initially created on 8/3/99, and executor of her Will.
3. Counsel alleges that after the appointment of the conservator it was discovered that the caretaker had refinanced an apartment complex in Rialto, California and at the time the caretaker had handled the conservatee's finances prior to the conservatorship. In addition, counsel alleges that the caretaker allowed the apartment complex to go into foreclosure proceedings and the conservator had to expend personal funds to cure the deficiency of the mortgage. Counsel further alleges the caretaker sold a second apartment complex without the conservatee's knowledge or consent and pocketed the proceeds. The conservator obtained a civil default judgment against the caretaker.

4. Because of the egregious financial abuse by the caretaker, counsel alleges that conservatee has made changes to her estate plan to remove the caretaker as successor trustee of her trust, executor of her will and as beneficiary of her estate and these changes were made on 7/10/03 by a Second Amendment to the Trust and a new Will. Counsel further alleges that she met with the conservatee both before and after the estate plan changes were made and in addition, conservatee met with the attorney who originally drafted her estate plan. Counsel alleges that the conservatee knew and understood the "nature of the testamentary act and the effect of her proposed modification, the nature and extent of her bounty, and the nature and extent of her relationships with family members and friends." We have received a declaration from attorney Strathman to the same effect as the notes above concerning visiting with the Conservatee prior to drawing up the amendments.
5. Counsel requests an order from the court confirming the changes made by conservatee to her estate plan
6. No proposed order submitted

RECOMMENDATION:

Need notice and then Court's discretion

Rancho Superior Court
CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00364

CASE NAME: EVELINE CATHERINE BRANDT CADDY

HEARING:

Petition for FOR APPROVAL OF ATTY'S FEES AND COSTS

COUNSEL:

ROBERT DOUGLAS JAMES (PET)...JONES MAHONEY BRAYTON & SOLL
EVELINE CATHERINE BR CADDY (PCE)...MAUREEN MURATORE

GENERAL INFORMATION

This case is set for hearing on Petition for Approval of Attorney's fees and Costs

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. File notice of hearing and proof of service on Conservatee.
2. Attorney requests fees of \$7,266.25 billed at \$175/hour (before 1/1/04) and thereafter \$200/hour for 41.2 hours. Itemized. JTD
3. Attorney requests reimbursement of costs incurred of \$34.61. Itemized. JTD
4. No proposed order submitted

RECOMMENDATION:

Need notice and then Court's discretion re: fees and costs

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00462

CASE NAME: HELEN SANDRA GRAZIANO

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
CATHERINE L GRAZIANO (PET)...DONNASUE SMITH-ORTIZ
AUDREY O VOIGT (PET)...DONNASUE SMITH-ORTIZ
HELEN SANDRA GRAZIANO (PCE)...

GENERAL INFORMATION
THIS CASE IS SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. The inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.

RECOMMENDATION:
Require filing of security statements.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00524

CASE NAME: LEO MELVIN ALBERTSON

HEARING:
Petition for Appointment of Conservator

COUNSEL:
PEGGY BETTENCOURT (PET)...RONALD W ASK
LEO MELVIN ALBERTSON (PCE)...

GENERAL INFORMATION: At the time of the exparte hearing for temporary orders no one appeared and that matter went off calendar.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File return of citation. The only proof of service on the Conservatee in the file deals with the temporary hearing.
2. Petitioner requests bond in the amount of \$31,228. As no 2590 power are sought, this amount appears adequate.
3. Based on the statements in attachment 5(b)(1) it would appear that the petitioner wants medical powers. However, petitioner failed to check box 1(g) and has failed to provide a capacity declaration. File verified supplemental.
4. Court Investigator report is in the file.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-16-05. Set hearing for accounting review for 4-18-06. Accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RG RS00982

CASE NAME: TAYLOR JO SLIZ

HEARING:
FIRST ACCT CURRENT & REPORT

	COUNSEL:
KELLY JO BAKER	(PET)...SPRINGER & POLLOCK
TAYLOR JO SLIZ	(MIN)...

GENERAL INFORMATION Accounting period: 8/15/01 – 10/31/04

THIS CASE IS SET FOR HEARING ON 1st Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. File notice of hearing and proof of service on ward.
2. Need to file original investment statements to support balances on hand in Morgan Stanley and money market account as of 10/31/04 per PC 2620.
3. Petitioner requests compensation of \$225.00
4. Attorney requests fees of \$2,150.00. Billed at \$200/hour for 13 hours. Itemized. JTD
5. Bond is currently fixed at \$10,000 and the balance of the guardianship estate is held in a blocked account. Ok.
6. No proposed order submitted.

RECOMMENDATION:

Need to clear notes 1 & 2. Once approved, Set hearing for the next account for 1-9-07, to cover the period of 11-1-04 through 10-31-06. Accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RG RS01246

CASE NAME: ASHLEE SIERRA/DAVID,ANDREW,DANNIEL ARTEAGA

HEARING:
Petition for Termination of Guardianship

	COUNSEL:
VIRGINIA MAESE	(PET)...PRO/PER
OSCAR P MAESE	(PG)...PRO/PER
ASHLEE SIERRA	(MIN)...
DAVID ARTEAGA	(MIN)...
ANDREW ARTEAGA	(MIN)...
DANNIEL ARTEAGA	(MIN)...

GENERAL INFORMATION Guardianship appointment ordered 4/18/03. Letters of Guardianship last renewed 8/13/04.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship, filed by guardians, minors 15, 12 (twins) and 8

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Guardians allege that mother wants to reunify the family (mother lives in Sacramento)
2. Court may wish to refer matter to Court Investigator to do home study on mother (or refer to appropriate agency in Sacramento)

RECOMMENDATION:
Court's discretion

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RG RS01512

CASE NAME: KIANA Y WILLIAMS

HEARING:
Petition for Termination of Guardianship

	COUNSEL:
LORETTA COHEN	(PET)...PRO/PER
RICHARD COHEN	(PG)...PRO/PER
KEANA Y WILLIAMS	(MIN)...

GENERAL INFORMATION

This case is set for hearing on Petition for Termination filed by mother, minor 7

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file notice of hearing and proof of service on persons listed in item 8 of petition and to Court Investigator
2. Mother alleges she is now able to take care of the minor.
3. Court may wish to refer matter to Court Investigator for home study.

RECOMMENDATION:

Need notice and Court discretion.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 9:30 DEPT: R16P

CASE #: RG RS01570

CASE NAME: TAYLOR CLARENCE DUEL

HEARING:
Petition for Appointment of Guardian

COUNSEL:
ERIC ENGBERSON (PET)...JAMES J KENNEY
PAMELA ENGBERSON (PET)...JAMES J KENNEY
TAYLOR CLARENCE DUEL (MIN)...

GENERAL INFORMATION Continued from 12/21/04 to clear calendar notes.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person & estate, by maternal grandparent and spouse, minor 5

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Temporary letters issued 10/28/04. Mother Lana Kessler appeared to object. Court ordered parties to mediate with Family Court Services.
2. Mother has signed consent and waiver of notice.
3. Need FCS report.
4. Allegations of mother's drug use. If mother continues to object and files written objections, the Court may wish to refer to Court Investigator for home study on all parties.
5. Need proof of personal service on father.
6. Need to file proof of mailed service on Court Investigator
7. The relationship of petitioners to the child is not clear. It appears that one of the parties is a maternal grandparent. The petitioners were married in 1994. The former spouse was Sandy Garthwaite, who may also be a maternal grandparent and who will need notice. Please file verified supplement explaining relationship and setting forth the names and addresses of the

paternal grandfather, paternal grandmother, maternal grandmother and maternal grandfather.

8. Question regarding the need for estate powers, as the minor has no estate. A guardian of the person can be allowed to apply for and use public benefits. Does the petitioner still wish estate powers?

RECOMMENDATION:

Need to clear notes. If approved with estate powers, Court will need to set hearing for filing Inventory & Appraisal for 8/16/05. Set hearing for Accounting Review 4/18/06

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/08/05 TIME: 10:30 DEPT: R16P

CASE #: RC RS00434

CASE NAME: *MF* EMMA V ORTIZ

HEARING:

Petition for FOR AUTHORITY TO COMPROMISE A CLAIM AND FOR APPROV
AL OF SETTLEMENT

COUNSEL:

ROSARY ORTIZ	(PET)...THOMAS E BANDY
GILDA ORTIZ	(PCR)...
EMMA V ORTIZ	(PCE)...DONNASUE SMITH-ORTIZ
LINDA MAXWELL	(SC)...MAUREEN MURATORE
DAVID A ORTIZ	(PET)...LAYNE A BARTHOLOMEW
APRIL C WOODS	(PET)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Authority to Compromise a Claim and for Approval of Settlement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Petitioners request that April Woods be appointed as co-trustee of the Emma V. Ortiz Family Trust dated 2/8/00 and Restated in 2002 to act with David A. Ortiz. Petitioners allege that all beneficiaries of the trust are in agreement. No objections filed to date.
2. Petitioners request authority to compromise a claim against Rosary Ortiz and approving the settlement which allows the trustees of the Trust, at the time of final distribution of the trust estate, to reduce the share attributable to Rosary Ortiz by the sum of \$40,000, which consists of \$30,000 in missing funds and \$10,000 in attorney's fees.
3. Petitioners request that Rosary Ortiz shall have no further duty to account for her time as trustee for Emma V. Ortiz, and except for the \$40,000

- (referenced in note 3) Rosary Ortiz shall not be further obligated to repay any funds which are alleged to be owed to the Trust.
4. Petitioners request authority to delegate routine acts of the trust administration to each other, including establishing bank or other accounts for the trust that will honor the signature of one or either co-trustee. Petitioners propose that any delegations will be in writing and signed by all trustees. Authority cited is PC 17200 and PC 2580. Petitioners allege this will better enable them to handle the conservatee's assets contained in the Trust.
 5. Petitioners request authority to expend up to \$25,000 from trust assets in order to build an addition to the residence of David A. Ortiz in Mexico to serve as living quarters for the conservatee while staying in Mexico. Petitioners propose to hire petitioner David Ortiz who is a licensed contractor and who will not charge for his labor. Petitioner David Ortiz alleges that neither the Trust nor the conservatee's estate shall acquire any interest in the property. However, petitioners allege the conservatee shall acquire the right to reside in the addition for the rest of her life and petitioner David Ortiz and his spouse will not charge caregiver fees for the daily care of the conservatee or the management of her assets. Is petitioner David Ortiz licensed to build in Mexico? Is petitioner David Ortiz a general contractor? Have other estimates to build the room addition been obtained? Where does conservatee currently stay when visiting Mexico? How does this room addition benefit the conservatorship estate? If David Ortiz is authorized to build the addition, are there any potential liabilities that would be exposed to the conservatee and conservatorship estate? File verified supplement including a copy of David Ortiz' contractor's license.

RECOMMENDATION:

Need verified supplement re note 6.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:00 DEPT: R17P

CASE #: RPRRS02338

CASE NAME: DOROTHY RUTH CUNNINGHAM

HEARING:

FIRST and Final Account and Report.

COUNSEL:

RICKY KRELL (PET)...THE HEGNER LAW FIRM
DOROTHY RUTH CUNNINGHAM (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Did decedent's predeceased spouse receive health care benefits as defined in the Welfare and Institutions Code chapters 7 and 8? File supplemental.
2. Sole heir waives accounting.
3. Statutory fees are \$8,043. Petitioner waives fees.
4. Attorney requests reimbursement of costs in the amount of \$497. Amount is not itemized. File supplemental.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 4-11-06.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS01521

CASE NAME: JENNIE L MASI

HEARING:

SECOND and Final Account and Report.

COUNSEL:

JACK M MASI (PET)...MANNERINO & BRIGUGLIO

JENNIE L MASI (DEC)...

CONSTANCE DEROSA (OBJ)...AMBRECHT & ASSOCIATES

GENERAL INFORMATION: There is currently pending a petition to remove the administrator. That matter is still in the discovery process. It is questionable if this matter should proceed until that matter is resolved.

THIS CASE IS SET FOR HEARING ON second and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Objections have been filed. Matter is contested and should be set down on the contested calendar.
2. Objections contain an objection to the inventory and appraisal. There is no notice to the probate referee. Notice to the probate referee is mandatory under Pr.C. § 8906.
3. In the supplement to the accounting the petitioner alleges that there are taxes owed on the estate that have not been paid. Petitioner alleges that there are insufficient liquid assets to pay the taxes. There are no liquid assets within the estate that could be sold to pay the debt. Petitioner alleges that upon the closing of the estate the assets will be transferred into the trust and the trust shall become responsible for the taxes. As a general rule all debts must be cleared before the estate is closed. There is no indication that the IRS agrees with this procedure. In fact the IRS was not noticed as to this petition. As their interest is directly affected the court may wish to order notice to the IRS.
4. File a 19513 tax certificate.
5. Statutory fees are \$68,880.91.

RECOMMENDATION:

Matter is contested and should be set down on the contested calendar. Suggest that the objector be required to notice the probate referee and the petitioner be required to notice the IRS.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02096

CASE NAME: STEAN CATHY NANNINGA

HEARING:

Status Report (Probate)

COUNSEL:

PETER MENNO NANNINGA (PET)...PAUW & PAUW, INC

PATRICIA NANNINGA VAN DAM (PET)...PAUW & PAUW, INC

STEAN CATHY NANNINGA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR hearing on Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court approved "First and Final Account" on 10-21-03 and money has been distributed. According to that accounting, tax returns were not required. However, it appears that tax returns were prepared subsequently in order to request relief from liability.
2. Petitioner requesting that the representatives not be discharged until the tax matter is resolved.

RECOMMENDATION:

None. If court approves, will need to set hearing for OSC re: Final Discharge for 4-18-05.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02122

CASE NAME: ROSEMARIE THOMAS

HEARING:
Hearing re Final Discharge

COUNSEL:

LAURIE ANN HOLLOWAY (PET)...ALAN L INGLIS
ROSEMARIE THOMAS (DEC)...

GENERAL INFORMATION: Final discharge has already been signed. Matter should go
O/C.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02192

CASE NAME: CLARA B. WOODSIDE

HEARING:
Hearing re Final Discharge

COUNSEL:

GARRETT L. WOODSIDE (PET)...SPRINGER & POLLOCK
CLARA B. WOODSIDE (DEC)...

GENERAL INFORMATION: Continued from 12-21-04. Court ordered clerk to give notice at the address below. Do not see indication in the file that the notice was sent.

THIS CASE IS SET FOR hearing on Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order on Waiver of Accounting executed 11-5-03.
2. No receipts or final discharge order signed.
3. Clerk's notice of hearing to Attorney Springer returned for bad address.
Address to use:
Springer & Pollock
246 N Indian Hill Blvd
Claremont, CA 91711

RECOMMENDATION:

If no notice sent then suggest the court once again order clerk to give notice.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02284

CASE NAME: LEE EDWARD PATE

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
RHONDA LEE CINQUEMANI (PET)...CHRISTINA FERRANTE
LEE EDWARD PATE (DEC)...

GENERAL INFORMATION: Continued from 3/23, 6/8, 8/3 and 11-9-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON: Inventory and appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION: Suggest the court suspend powers and set the matter for an O.S.C. re removal. Issue citations and have administrator and counsel personally served. There is no bonding company to notice.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02296

CASE NAME: ALEXANDER P GRABOWSKI

HEARING:
Probate status report filed.

COUNSEL:
PATRICK F GRABOWSKI (PET)...RODIGER LAW OFFICE
ALEXANDER P GRABOWSKI (DEC)...
LAURENCE L GRABOWSKI (OBJ)...CONKLE & OLE STEN

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Status report filed. Estate is not ready to close due to the fact that litigation is pending.
2. File notice of hearing and proof of service in accord with Pr. C. § 12201. Notice under that section sets forth on the notice form that interested persons are entitled to an accounting under Pr.C. § 10950. Such form of notice is mandatory.

RECOMMENDATION:

Estate is not in a condition to close. Upon compliance with number 2 above set hearing for the next status and/or accounting for 4-11-06. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02316

CASE NAME: RAYMOND P QUINN

HEARING:
FIRST and Final Account and Report.

COUNSEL:
MICHAEL R QUINN (PET)...JM WOOD AND ASSOCIATES
RAYMOND P QUINN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. Was a due and diligent search conducted to determine known or reasonably ascertainable creditors? File verified supplemental.
3. Did decedent have a predeceased spouse who received health care benefits under the provisions of Chapter 7 or 8, part 3, division 9 of the Welfare and Institutions Code? File verified supplemental.
4. Petition indicates that assets were not kept in an interest bearing account. Why?
5. Petitioner distributed to Stephen L. Quinn \$20,833.50. Stephen is not a beneficiary of this estate. The beneficiary of this estate is the estate of Sarah Quinn. Stephen is a beneficiary of the estate of Sarah Quinn. Petitioner requests that the court approve this disbursement.
6. Accounting fails to include statement disclosing any familial/affiliate relationship between fiduciary and agent hired by administrator during accounting period, if any. Pr.C. § 1064. Provide verified supplement.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 4-18-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02317

CASE NAME: SARAH L QUINN

HEARING:
FIRST and Final Account and Report.

COUNSEL:
MICHAEL R QUINN (PET)...JM WOOD AND ASSOCIATES
SARAH L QUINN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Assets were not kept in an interest bearing accounting. Why?
2. Accounting fails to include statement disclosing any familial/affiliate relationship between fiduciary and agent hired by administrator during accounting period, if any. Pr.C. § 1064. Provide verified supplement.
3. Was a due and diligent search conducted to determine known or reasonably ascertainable creditors? File verified supplemental.
4. Petitioner requests permission to withhold \$10,000 for potential capital gains tax.
5. Statutory fees are \$8,000. Petitioner alleges that if additional assets are discovered petitioner and counsel would be entitled to 3% as additional fees. This is incorrect. They would be entitled to 2%.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 4-18-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02339

CASE NAME: DIANE JOAN CARITHERS

HEARING:

Petition for ORDER REQUIRING EXECUTOR TO CONSUMMATE SALE OF REAL
PROPERTY

COUNSEL:

ARTHUR CONRAD	(PET)...	LAMB MORRIS & LOBELLO
DIANE JOAN CARITHERS	(DEC)...	
MICHAEL J HOLZMAN	(OBJ)...	BUXBAUM & CHAKMAK
WILLIAM CAMPBELL	(BUXBAUM & CHAKMAK)...BUXBAUM &

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to require administrator to complete sale of real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Administrator attempted to complete a confirmation of sale of real property. That action was objected to by the purchaser as being in direct contravention to the contract between the parties. Objector alleged that the sole reason for the action was an attempt to drive up the purchase price. The court denied the petition to confirm. Since that time the administrator has refused to complete the sale to the petitioner herein. The petitioner now asks the court to order the petitioner to complete the sale.
2. The petition does not indicate what authority the petitioner is proceeding on. It is important to know this in order to determine the court's jurisdiction and the form of notice that is required. At best guess it would appear that this is a request for specific performance via a Pr.C. § 850 petition pursuant to Pr.C. § 850(a)(2)(C). If that is the case then there must be personal service on the personal representative and each person claiming an interest in the property at least 30 days prior to the hearing. I see no proof of service. **Petitioner has now filed a supplement**

indicating that this document should be considered an 850 petition. Still do not see proper notice.

RECOMMENDATION:

Require proper service of the petition.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02362

CASE NAME: THEODORA R. FINN

HEARING:

Waiver of account and for final distribution.

COUNSEL:

KATHLEEN LYON (PET)...HOWARD R HAWKINS
ROBERTA E BROEDOW (PET)...HOWARD R HAWKINS
THEODORA R FINN (DEC)....
MICHAEL FINN (PET)...HOWARD R HAWKINS

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive accounting.
2. The specific bequest to Point Place United Church of Christ began to draw interest on 11-4-04. This is not provided for in the petition. File verified supplemental.
3. Accounting fails to include statement disclosing any familial/affiliate relationship between fiduciary and agent hired by administrator during accounting period, if any. Pr.C. § 1064. Provide verified supplement.
4. Accounting fails to include statement disclosing whether all cash assets have been invested in interest bearing accounts/investments. Pr. C. § 1064. Provide verified supplement.
5. Petitioner requests permission to withhold \$5,000 for potential taxes.
6. Statutory fees are \$7,396.75.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 4-18-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02379

CASE NAME: JOHN LEE BAGBY

HEARING:
FIRST and Final Account and Report.

	COUNSEL:
LISA BAGBY	(PET)...H. R. TOPALIAN
JOHN LEE BAGBY	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is one of the beneficiaries of the estate. The other beneficiary is her minor daughter. Petitioner has waived accounting for herself and for her minor daughter. The court has the discretion to order an accounting despite the waiver. Did the court wish to order an accounting?
2. Petitioner waives statutory fees. Statutory fees are \$10,362.84.
3. Petitioner's attorney also requesting costs of paralegal under Pr.C. § 2640(c). The requested costs are \$1,185.75. The code section referred to deals with guardianships and conservatorships. It does not deal with estates. At any rate, a review of the itemization by the paralegal indicates that the activities deal with preparation of the documents necessary for the probate. This constitutes overhead to the attorney and payment thereof would be a violation of the Pr.C. § 10800 in that it would exceed the ordinary fees. The documents prepared by the paralegal and the actions taken constitutes ordinary work.
4. Petitioner requests authority to withhold \$1,000 in closing costs.
5. What are the current assets on hand?
6. Accounting fails to include statement disclosing any familial/affiliate relationship between fiduciary and agent hired by administrator during accounting period, if any. Pr.C. § 1064. Provide verified supplement.

7. Accounting fails to include statement disclosing whether all cash assets have been invested in interest bearing accounts/investments. Pr. C. § 1064. Provide supplement.

RECOMMENDATION:

Court should require an accounting. Court should deny request for paralegal fees. Court should require verified supplemental on the other items listed above. If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 4-18-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02400

CASE NAME: ROBBIE E GIBSON

HEARING:
FIRST AND FINAL ACCT CURRENT & REPORT

COUNSEL:
MARSHALL HADLEY (PET)...PRO/PER
ROBBIE E GIBSON (DEC)...
GENERAL INFORMATION Continued from 12-14-04.

THIS CASE IS SET FOR HEARING ON first and final report and account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$3,061.77. Petitioner also requests \$937.60 in costs. Amount is itemized.
2. Specific bequests set forth in the will were delivered by the decedent before her death.

RECOMMENDATION:
Recommended for approval. Set hearing for filing of receipts and discharge for 4-18-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02426

CASE NAME: ROBERT GREGORY BURTON

HEARING:

Petition for DETERMINATION OF ENTITLEMENT TO ESTATE DISTRIBUTION

COUNSEL:

CAROL FRAZIER-BURTON (PET)...VARNER, SALESON & BRANDT LLP

ROBERT GREGORY BURTON (DEC)...

DONNA BENNETT (PET)...PALECEK SKAJA & BROYLES

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to determine entitlement pursuant to Pr.C. § 11700.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner is the sister of the decedent. She contends that a dispute has arisen between her and the administrator who claims to be the surviving spouse of the decedent. Petitioner alleges that the assets listed are the separate property of the decedent and that the administrator is not entitled to any of the assets. It is alleged that the administrator and the decedent were in the process of getting a divorce. The decedent was injured in an auto accident. While the decedent was in a coma the administrator filed a dismissal of the dissolution petition. The next day the decedent died of his injuries. Petitioner alleges that the administrator and the decedent had agreed as to the division of their marital property and had executed deeds therefore.
2. Petitioner requests the court find that all the assets are separate property of the decedent and find that the administrator is entitled to none of the assets.
3. There is opposition in the file. Matter is contested.
4. Notice appears complete.

RECOMMENDATION:

Court may wish to determine if parties need time for discovery. If not set matter for M.S.C.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02437

CASE NAME: RICHARD MARS PATTERSON

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
KIMBERLY A PATTERSON (PET)...RONALD BEN CLARY
RICHARD MARS PATTERSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02480

CASE NAME: JESUS ARANEZ

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

LAWRENCE HOFFING (PET)...ROBERT S WEINSTEIN & ASSOCIATE
JESUS ARANEZ (DEC)...
BERNADETTE ARANEZ (OBJ)...ANDREWS & HENSLEIGH
GENERAL INFORMATION Special letters issued 8-3-04. Matter was continued from 10-5-04 to allow objector to file petition to administer. Continued from 12-7-04 by stipulation. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to administer with limited I.A.E.A and \$6,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Minimum bond is \$10,000. Hence request for bond of \$6,000 is insufficient.
2. Petition is filed solely for the purpose of instituting a wrongful death action. The petition indicates no assets. If there are truly no assets at this time then the court could waive the requirement of bond and order counsel and administrator to notice court within 72 hours of receipt of assets into estate.
3. There have been objections filed by the surviving spouse of the decedent. She contends that the petitioner has a conflict of interest in that he is representing clients in a wrongful death action against petitioner and the decedent. There is a dispute between the decedent's insurance company and the objector in that the insurance company is refusing to tender a defense based on the fact that there was a 1 day lapse in insurance in that payment for the insurance premium had not been received on the date of the accident and was not received until the next day. Objector is requesting that the insurance company be ordered to act as the administrator. In response the petitioner alleges that there is no conflict of interest. In fact they made demand of objector that she file to be administrator and she

refused. It should be noted that the objector is incorrect when she alleges that one who is a creditor or represents the interest of a creditor cannot apply to be an administrator. See Pr. C. § 8467(q).

RECOMMENDATION:

Overrule objections in the absence of a petition to administer by the objector. Determine if court wants to set bond in the amount of \$10,000 or waive until such time as assets come into the estate. Set hearing for filing of inventory and appraisal for 6-7-05. Set hearing for filing of status report and/or accounting for 2-7-06. Any accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02485

CASE NAME: MARTHA F BRIGGER

HEARING:
Petition for FAMILY ALLOWANCE BEFORE INVENTORY

COUNSEL:
FONROSE W BRIGGER (PET)...ALLAR, SHELTON & O'CONNOR
MARTHA F BRIGGER (DEC)...
NATHAN D BRIGGER (PET)...SIDNEY W JONES
GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition for family allowance before inventory.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. It assumed that this petition is entitled family allowance before inventory because that is when the original petition was filed. What this really is is a request to continue the payments for family allowance that have previously been approved by the court. The court has previously allowed the petition on 2 occasions for the amount of \$2,500 per month. Petitioner now requests that the original order be extended to cover 9-24-04 through 3-23-05.
2. File notice of hearing and proof of service.

RECOMMENDATION:
After filing of notice of hearing and proof of service, court's discretion.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02517

CASE NAME: ***MF*** GEORGE J STREIFEL

HEARING:
Demurrer Filed -- Set on Calendar

COUNSEL:
TERESA GRUBER (PET)...ROBERT L KERN
GEORGE J STREIFEL (DEC)...
GILBERT G STREIFEL (OBJ)...ROBERT L KERN

GENERAL INFORMATION This hearing is vacated.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02546

CASE NAME: SANDRA ANN SEREG

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

MICHAEL SEREG (PET)...MARGARET A M HEINE
SANDRA ANN SEREG (DEC)...

GENERAL INFORMATION: When neither counsel nor petitioner appeared on 11-30-04 the court ordered both to appear at this hearing and show cause why sanctions of \$100 should not be imposed on each of them for failure to appear. The petitioner has filed an objection to the court O.S.C. indicating that there is no legal requirement that she appear. She indicates that her attorney told her she did not have to appear. I would suggest to the court that C.C.P. § 128 provides the court with the authority to require appearances. Matter has been continued from 11-30-04. There is also a declaration by counsel indicating that on the date of the hearing that she was in route to the hearing when she had car trouble. It was her intent that day to ask for a continuance, as there were notes to be corrected. She requests that sanctions not be imposed.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition is now procedurally complete. Only issue of sanctions remain outstanding.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-16-05. Set hearing for filing of status report and/or accounting for 4-18-06. Any accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02607

CASE NAME: SUSAN DEAN SCERANKA

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

BRIANNE SCERANKA (PET)...HARTNELL HORSPOOL & FOX
SUSAN DEAN SCERANKA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive bond.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-16-05. Set hearing for filing of status report and/or accounting for 4-18-06. Any accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02608

CASE NAME: CATHY DIANE TWITCHELL

HEARING:
Petition to determine succession to Real Property

COUNSEL:
KIMBERLY DIANE HOYT (PET)...PRO/PER
KEVIN ROSS (PET)...PRO/PER
CATHY DIANE TWITCHELL (DEC)...
GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sections 3 through 8 of the inventory and appraisal are not completed. File verified supplemental.
2. File order after hearing.

RECOMMENDATION:
Recommended for approval subject to number 1.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02609

CASE NAME: MADONNA J HARNEY

HEARING:
Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:
DANIEL J HARNEY (PET)...ROBERT J MCDONNELL
MADONNA J HARNEY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Annmarie Harney, Leeanne Flaherty and John Harney are named in the will, but are not on attachment 9. They are also not noticed. File supplement and proof of service.
3. File duties.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-16-05. Set hearing for filing of status report and/or accounting for 4-18-06. Any accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/08/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02610

CASE NAME: JOSEPHINA SANCHEZ

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

BARBARA GASTELUM ESTRADA (PET)...PRO/PER
JOSEPHINA ESTRADA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. File notice of petition to administer estate.
3. Section 6(a)(3) or 6(a)(4) of petition not completed. File supplemental.
4. Section 6(a)(7) or 6(a)(8) of petition not completed. File supplemental.
5. Section 9 of petition does not list relationships to the decedent. File supplemental.
6. Angel G. Sanchez is named in will, but is not on attachment 9. File supplemental.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-16-05. Set hearing for filing of status report and/or accounting for 4-18-06. Any accounting to be filed 30 days in advance.